Remarks

In response to the Office Action dated September 08, 1006, Applicant respectfully requests reconsideration based on the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance. No claims have been amended.

Interview Summary

A telephone interview was held on November 8 between the Applicant's representative, Arno Naeckel, and Examiners Kindred and Rose. During the interview it was discussed that the §103 rejections were ambiguous as to the references being applied. The §103 rejections for claims 9-14 and 18-19 were restated to be under the combination of Birrell and Purcell, only and not Breck in view of Birrell and Purcell. It was further discussed that Breck was deficient in disclosing all of the claim elements concerning the independent claims under §102. Examiner Rose agreed to reconsider based on the arguments discussed.

Claim Objections

Claim 1 stands objected to due to a drafting informality wherein the claim 1 has a comma instead of a semi-colon after the phrase "at an e-mail server". Based upon the telephone interview, the objection was determined to be Examiner error. As such the objection may be withdrawn.

Claim Rejections - 35 U.S.C. §102

In the Office Action, claims 1-3, 8, 15-17 and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Breck et al. (U.S. Pat. App. 2003/013063). Applicant respectfully assumes that the Office Action is actually referring to U.S. patent application 2003/0131063 to Breck since the cited document number is not a proper document number. The Applicant respectfully traverses the rejections.

Independent claim 1 specifies a method for accessing information in a private database. The method includes, at an e-mail server, receiving a request from a wireless communication device to access the information in the private database; upon receiving the request, comparing an e-mail address identified with the wireless communication device against a list of e-mail addresses residing at the e-mail server, and if the identified e-mail address is on the list, then

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authorizing access to the private database; sending a query to retrieve the information; receiving a response to the query, wherein the response includes the information, wherein the information comprises a list of documents which are listed by order of relevance; sending the information to the wireless communication device; and if the identified e-mail address is not on the list, then denying the request to access the information in the private database.

It is respectfully submitted that Breck fails to teach each and every feature specified in independent claim 1. For example, Breck fails to describe receiving a request from a wireless communication device to access the information in the private database. In contrast, the cited paragraphs from Breck describe processing a message by comparing the message to its source domain, its contents and a user preference, thereby determining if the message is invalid. (Para. 0025 and 0043). Breck does not describe receiving a request to access information in a private database. Merely validating an e-mail message against its source to authorize message delivery is not authorizing access to a private database.

As another example, Breck fails to describe sending a query to retrieve the information [in the private database]. To the contrary, the citation asserted by the Office Action to describe this element actually describes the query as being made to the Domain Administrator, inquiring as to whether it associates the e-mail source network with a blocked status. (Para. 0085). Information from the private database is not being queried for in Breck. Breck is merely asking for a blocked/unblocked indication. Further there is no description that the blocked indication is in a private database, such data appears to necessarily be stored in a database accessible to all queries.

As a further example, Breck fails to describe receiving a response to the query wherein the response includes the information, wherein the information comprises a list of documents which are listed by order of relevance. The Office Action cites paragraph 0047 as anticipating "receiving a response to the query, wherein the response includes the information". Paragraph 0047 is actually describing a routine query to a **DNS server** asking for a recipient's domain address to allow transmission of a message to the recipient.

Furthermore, the Office Action cites paragraph 0090 for describing that the "information comprises a list of documents, which are listed by order of relevance". Paragraph 0090 actually describes the hierarchical processing and the possible blocking of an outgoing reply message.

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Breck does not describe that the information comprises a list of documents, which are listed by order of relevance.

Further still, Applicant also points out that the definition of "information" discussed in the various paragraphs cited by the Office Action is inconsistent. The Office Action appears to be equating "an indication as to whether a Domain Administrator associates an e-mail source network with a blocked status" in paragraphs 0025 and 0085 to the recited "information" in claim 1. On the other hand, the Office Action appears to be also equating a routine reply from a DNS server with a destination IP address of a recipient in paragraph 0047 to the recited "information" in claim 1. And finally, the Office Action appears to also be equating a reply message from a recipient referred to in paragraph 0090 to the recited "information" in claim 1. Because the rejection jumps around to refer to different types of information, from different sources against different claim elements, the nature of the "information" being cited by the Office Action can not be describing "information in the private database" as is consistently recited in the claim elements.

Based on the foregoing, Breck fails to describe multiple recitations of the subject matter asserted to Breck by the Office Action. As such, Breck fails to disclose each and every element recited in independent claim 1. Therefore, it is respectfully submitted that independent claim 1 is allowable and the rejection of this claim should be withdrawn. Claims 2-3 and 8-16 depend from independent claim 1 and thus specify at least the same features. Therefore, these claims are allowable for at least the same reasons.

Independent claims 17 and 20 specify similar features as independent claim 1 and thus are also allowable for at least the same reasons. Rejected dependent claims 18-19 depend from an allowable independent claim 17 and are allowable for at least the same reasons.

Claim Rejections - 35 U.S.C. §103

As a preliminary matter, Applicant is unsure of the basis for rejection of claims 9-14 and 18-19. The office Action states that "claims 9-14 and 18-19 are rejected under 35 USC §103(a) as being unpatentable over BIRRELL et al ...as applied to claims 9-14, in view of PURCELL...as applied to claims 18 and 19". However, the office action immediately enters into a discussion of the rejection of claim 9 under the combination of BRECK and PURCELL. The basis for the rejections of claims 10-14 are also ambiguous as they only cite Birrell. During

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the November 8 interview, the Examiner verbally recast her §103 rejections as being under PURCELL and BIRRELL and <u>not</u> BRECK.

<u>Claims 9-14 and 18-19</u>

In the interest of an efficient prosecution, Applicant first assumes that claims 9-14 are rejected under a combination of **Breck** and **Birrell** as originally stated in the Office Action against claim 9. As noted above in regards to the §102 rejections, Breck fails to describe the subject matter asserted by the Office Action to Breck. As such, Breck fails to describe all of the claim elements. Applicant respectfully asserts that Birrell fails to cure these additional deficiencies of Breck as Birrell concerns itself with managing e-mail accounts in a distributed network and does not address comparing an e-mail address identified with the wireless communication device against a list of e-mail addresses residing at the e-mail server and if the identified e-mail address is on the list, then authorizing access to the private database. Because claims 9-14 depend from an allowable independent claim 1, dependent claims 9-14 are allowable over the combination of Breck and Birrell for at least these reasons.

In the alternative, Applicant also assumes that claims 9-14 and 18-19 are rejected under the combination of **Purcell** and **Birrell** as restated by the examiner in the telephone interview and confirmed in the Interview Summary dated November 8. As a preliminary matter, Applicant notes that the dependent claims are rejected by the Examiner's Interview Summary as obvious under Birrell and Purcell *and not* in combination with Breck. If this statement of the rejection is correct then Applicant respectfully questions the validity of this rejection in light of the fact that dependent claims 9-14 and 18-19 were rejected as being obvious us under the combination of Purcell and Birrell and their respective independent claims were not.

If the Examiner's characterization of the rejection being under the combination of Purcell and Birrell is valid then the Office Action is implying that Purcell discloses most of the claim elements and that Birrell cures any deficiencies of Purcell. In this respect, Applicant notes that neither Purcell nor Birrell describes that "upon receiving the request, comparing an e-mail address identified with the wireless communication device against a list of e-mail addresses residing at the e-mail server, and if the identified e-mail address is on the list, then authorizing access to the private database".

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Purcell appears to teach away from comparing an e-mail address identified with the wireless communication device against a list of e-mail addresses residing at the e-mail server, and if the identified e-mail address is on the list, then authorizing access to the private database. Purcell describes that the system will issue buyers and sellers an identifier and a password to gain access. (Col. 9, l. 15-22). Purcell does not describe utilizing an e-mail address to gain access to a private database.

Similarly, Birrell also appears to teach away from comparing an e-mail address identified with the wireless communication device against a list of e-mail addresses residing at the e-mail server, and if the identified e-mail address is on the list, then authorizing access to the private database. Birrell specifically describes that "passwords are used to authenticate users". Using passwords is not comparing an e-mail address identified with the wireless communication device against a list of e-mail addresses residing at the e-mail server.

Therefore, since both Purcell and Birrell fail to describe (and appear to teach away from) comparing an e-mail address identified with the wireless communication device against a list of e-mail addresses residing at the e-mail server and if the identified e-mail address is on the list, then authorizing access to the private database, the combination of Purcell and Birrell fails to describe all of the claim recitations. Further, there would also be no motivation to combine these references since both references teach away from the claim recitations and there would be no likelihood of success in combining Birrell and Purcell. As such, dependent claims 9-14 are allowable over the combination of Purcell and Birrell for at least these reasons.

Dependent claims 18 and 19 are rejected under 35 USC 103(a) as being unpatentable under Birrell if view of Purcell. Since the combination of Purcell in view of Birrell fails to describe "comparing an e-mail address identified with the wireless communication device against a list of e-mail addresses residing at the e-mail server and if the identified e-mail address is on the list, then authorizing access to the private database", then the combination of Birrell in view of Purcell necessarily fails to describe all of the claim elements of independent claim 17, as well. As such, claims 18 and 19 are also allowable over the combination of Birrell and Purcell for at least the same reasons. Further, as discussed above in regards to the §102 rejections, dependent claims 18-19 depend from an allowable independent claim 17. As such, dependent claims 18-19 are allowable for at least the same reasons.

Conclusion

In view of the foregoing remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant's attorney at the number listed below.

This response is being filed in conjunction with a fee for a one month extension of time. However, please charge any additional fees due or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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